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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,614	03/29/2004	David Django Dexter	157972-0011	3198
68368 7590 03/17/2008 BARCELO & HARRISON, LLP 22091 WOOD ISLAND LANE HUNTINGTON BEACH, CA 92646				
EXAMINER				
SAUTHER, FLEMMING				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,614

Applicant(s)

DEXTER ET AL.

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

Claims 1-12 remain withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croskey (US 5,352,079) in view of Bakermans (5,263,353). Croskey discloses a snap ring and teaches it is well known to make the ring by stamping method (see the "Background of the invention") but, does not disclose the stamping to produce a die roll at a first inner edge nor forming a cross-section at a second inner edge. Bakermans discloses a stamping method including stamping (Figs. 3-5) followed by forming (Figs. 7-9) wherein, as seen in Fig. 6, the stamping leaves a first inner rolled edge and, as seen in Fig. 9 the forming leaves a second inner blunted beveled edge. The edges are also seen in Figs. 10 and 15 respectively. The formed edge is shown to have a blunted beveled cross-section with a depth of between 60 to 85% the total thickness and an angle between 10 and 40°. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the snap ring of Croskey with a method as disclosed in Bakermans because the method of Bakermans is superior because it forms improved contact edge surfaces which are burr free as discussed

therein. It would have been obvious for one of ordinary skill in the art to make it with a rounded cross-section since it would require only a change in shape selected from a finite group of possible shapes which are known and may be useful for different applications.

Response to Remarks

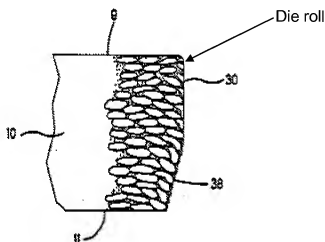
The objections to the drawings along with the rejection under 112 first paragraph have been withdrawn as a result of the amendment.

Also the rejection under 102 second paragraph as the claims being anticipated by Colwell has been similarly withdrawn as result of the amendment. However, the 103 rejection as the being obvious over Croskey in view of Bakermans has been maintained.

As regards the obviousness rejection, applicant initially notes that the skilled artisan would not equate the rolled stock of Bakermans to the die roll as is claimed. In response, the examiner would agree but, that is also not what the rejection is doing. And, the examiner would further agree that Croskey does not discuss the die roll etc.

However, Bakermans does disclose both die roll and the formed blunted cross-section profile for which it is relied.

Applicant argues that in Bakermans the element labeled 38 is not a die roll but instead a fractured surface. In response, the examiner agrees but, it is opposite corner which is read as the die roll:



It is the fractured surface (38) which is formed into the blunted profile (62).

Applicant also argues that Bakermans does not disclose the die roll on the first interior edge and the blunting on the second edge of a snap ring. In response, the Bakermans is not relied upon for the snap ring. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Flemming Saether
Primary Examiner
Art Unit 3677

/Flemming Saether/
Primary Examiner, Art Unit 3677